



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,735	07/08/1999	JAMES MCKEETH	5949-11	7062

7590 06/01/2004

Knobbe Martens Olson & Bear LLP
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660

EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
----------	--------------

2174

16

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/349,735

Applicant(s)

MCKEETH, JAMES

Examiner

Truc T Chuong

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 14-16, 19-22, and 23-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 14-16, 19-22, and 23-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment B, filed 03/08/04.
2. Claims 1-5, 8, 14-16, 19-22, and 23-40 are pending in this application. Claims 1, 14, 19, 22, 25, and 33 are independent claims. In Amendment B, claims 1, 4, 5, 8, 14, 19, and 21 are amended, claims 23-40 are new claims, and claims 6-7, 9-13, and 17-18 are cancelled. This action is a non-final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8, 14-16, 19-22, and 23-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiles et al. (U.S. Patent No. 6,167,567) in view of Kroening et al. (U.S. Patent No. 6,080,207).

As to claims 1 and 22, Chiles teaches a method for performing interactive computer diagnostic and maintenance actions on an electronic device, the method comprising:

presenting via the electronic device a graphical representation of a text markup language document wherein the graphical representation includes at least one user interactive control for activating a hypertext link (a user interacts, through a web site, a web browser, with a web site to update a product, col. 3 line 57-col. 4 line 15);

receiving an activated hypertext link wherein the hypertext link is associated with hypertext link attributes by the text markup language document including attributes specifying a target and a uniform resource locator (predefined servers client application to be updated, col. 4 lines 1-31, col. 7 lines 1-39); and

Chiles also shows the responsive to receive the activated hypertext link (col. 8 lines 5-4, col. 22 lines 10-15, and 35-40); however, Chiles does not teach of generating a disk image. Kroening clearly teaches an image builder for creating a disk image of the desired software (Abstract, col. 1 lines 21-24, and col. 2 lines 11-12). It would have been obvious at the time of the invention that a person with ordinary skill in the art would want to create the disk image of Kroening in the updating software interface of Chiles for an easy to monitor software configuration process.

As to claim 2, Chiles teaches the method of Claim 1 wherein the text markup language is hypertext markup language (a user interacts, through a web site, a web browser, with a web site to update a product, col. 3 line 57-col. 4 line 15).

As to claim 3, Chiles teaches the method of Claim 1 wherein the text markup language is Rich Text Formatting (HTML is a Rich Text Formatting).

As to claim 4, Chiles teaches the method of Claim 1 wherein generating a disk image comprises executing a file designated by the uniform resource locator (col. 4 lines 50-65).

As to claim 5, Chiles teaches the method of Claim 1 further comprising looking up the uniform resource locator in a database and wherein generating the disk image is responsive to information specified in the database as relating to the uniform resource locator (col. 4 lines 1-31, col. 7 lines 1-39, and 50-65).

Art Unit: 2174

As to claim 8, Chiles teaches the method of Claim 1 wherein generating the disk image comprises executing a disk image dialogue with a source specified in the uniform resource locator (automatically connect to a HTTP server, col. 8 lines 5-14, and 38-63).

As to claims 14-16, they are system claims of method claims 1, 5, and 2. Note the rejections of claims 1, 5, and 2 above respectively.

As to claims 19-21, they are computer program product claims of method claims 1, 5, and 4. Note the rejections of claims 1, 5, and 4 above respectively.

As to claim 23, Chiles in view of Kroening teaches the method of Claim 22, wherein performing the computer maintenance action comprises generating a disk image (Kroening, image picture to generate the desired software configuration, col. 2 lines 12-13).

As to claim 24, Chiles teaches the method of Claim 22, wherein performing the computer maintenance action comprises installing a device driver for a hardware component of the electronic device (firmware to be updated, col. 7 lines 32-59).

As to claim 25, Chiles teaches a method of performing interactive computer diagnostic and maintenance actions on an electronic device, the method comprising:

presenting via the electronic device a graphical representation of a text markup language document wherein the graphical representation includes at least one user interactive control for activating a hypertext link (a user interacts, through a web site, a web browser, with a web site to update a product, col. 3 line 57-col. 4 line 15);

receiving an activated hypertext link wherein the hypertext link is associated with hypertext link attributes by the text markup language document including attributes

Art Unit: 2174

specifying a target and a uniform resource locator (predefined servers client application to be updated, col. 4 lines 1-31, col. 7 lines 1-39);

identifying a utility program based, at least in part, on the uniform resource locator (col. 12 lines 9-28);

extracting device information from the uniform resource locator; and executing the utility program associated with the device information, wherein executing the utility program comprises:

identifying a hardware component associated with the device information (suitable updated firmware, col. 10 lines 13-27);

retrieving a hardware device driver associated with both the device information and the hardware component in the electronic device (to display containing profiles (e.g., device or system profiles) for installation onto a client computer. The dissemination of identical profiles permits a network administrator to identically configure each installation of a common product throughout an entire network, thereby ensuring client consistency and reducing administrative, support and maintenance costs, col. 5 lines 44-55);

installing the hardware device driver (appropriately installed at the client PC, col. 9 lines 30-34); and

configuring the hardware device driver (the configuration process and appropriate software modules, col. 11 lines 23-25, and col. 12 lines 9-27).

As to claim 26, Chiles teaches the method of Claim 25, wherein extracting device information comprises retrieving information from a database (col. 7 line 60-col. 8 line 14).

Art Unit: 2174

As to claim 27, Chiles teaches the method of Claim 25, wherein the device information comprises a device identifier (each software product is registered, col. 12 lines 10-25).

As to claim 28, Chiles teaches the method of Claim 25, wherein the device information comprises a subsystem identifier (col. 24 lines 8-9).

As to claim 29, Chiles teaches the method of Claim 25, wherein configuring the hardware device driver comprises deleting at least one file (configuration application 25 automatically removes, col. 30 lines 15-32).

As to claim 30, Chiles teaches the method of Claim 25, wherein configuring the hardware device driver comprises modifying at least one file (update script, col. 4 lines 23-30, and col. 50-61).

As to claim 31, Chiles teaches the method of Claim 25, wherein configuring the hardware device driver comprises deleting at least one registry entry (modify the profile, col. 32 lines 1-14).

As to claims 32, Chiles teaches the method of Claim 25, wherein installing the hardware device driver comprises rebooting the electronic device (the user reboots O/S, col. 26 lines 8-10).

As to claims 33-40, they are system claims of method claims 25-32. Note the rejections of claims 25-32 above respectively.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 8, 14-16, and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2174

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

05/12/04

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100